

Notice of Allowability

Application No.

10/801,184

Examiner

Alexander Grosz

Applicant(s)

METZ ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMPT DATED 5/23/05
2. ☒ The allowed claim(s) is/are 33, 2-4, 5-11, 34, 13-18, 35, 19, 20, 21, 27, 29-32
3. ☒ The drawings filed on 3/14/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/14/04 7/27/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413)
Paper No./Mail Date 7/27/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. St. Amour on July 27, 2005.

The application has been amended as follows:

Please cancel claims 1, 12 and 28;

In claims 2, 3 and 4, lines 1, please change "gap filler of claim 1" to --patient support of claim 33--;

In claims 2, 3 and 4, lines 2, please change "the mattress" to --a mattress--;

In claims 13, 15 and 16, lines 1, please change "gap filler of claim 12" to --patient support of claim 34--;

In claim 14, line 2, change "the" to --a--;

In claim 18, line 1, please change "gap filler of claim 17" to --patient support of claim 34--;

In claim 19, line 1, please change "gap filler of claim 12" to --patient support of claim 35--;

In claim 20, line 1, please change "gap filler" to --patient support--;

In claim 31, line 1 AND claim 32, line 1, before "transverse" insert --a--;

Please enter the following new claims 33-35:

33. (New) A patient support including:

a frame including a foot end and a head end separated by opposing longitudinal sides;

a board supported by one of the foot and head ends of the frame;

a first siderail supported by one of the longitudinal sides;

a second siderail supported by the opposing longitudinal side;

a first barrier positioned to extend between the first siderail and the board to substantially fill a first gap defined therebetween;

a second barrier positioned to extend between the second siderail and the board to substantially fill a second gap defined therebetween; and

a connecting member coupling the first and second barriers together.

34. (New) A patient support including:

a frame including a foot end and a head end separated by opposing longitudinal sides;

a board supported by one of the foot and head ends of the frame, the board including a first vertical edge and a second vertical edge;

a first siderail supported by one of the longitudinal sides;

a second siderail supported by the opposing longitudinal side;

a first siderail gap defined between the first siderail and the board;

a second siderail gap defined between the second siderail and the board;

a first barrier positioned to substantially fill the first siderail gap, the first barrier extending from the first siderail to the first vertical edge; and

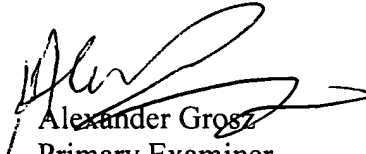
a second barrier positioned to substantially fill the second siderail gap, the second barrier being coupled to the first barrier.

35. (New) The patient support of claim 34, further comprising a mattress having a patient rest surface.

2. The following is an examiner's statement of reasons for allowance: On 7/12, 7/25, 7/26 and 7/27/05 we discussed the claims and the prior art and agreed on the above amendments, which specify that a combination of a frame, siderails spaced by a gap from a board, and barriers coupled to each other are set forth in the claims. Webber and Glynn et al. fail to teach or suggest such combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication should be directed to Alex Grosz at telephone number (571) 272-7041.


Alexander Grosz
Primary Examiner
Art Unit 3673